IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 385 OF 2007
IN
CRIMINAL WRIT PETIITON NO. 137 OF 2006

Rajesh Gulati .... Applicant

versus

Kailash Agarwal & anr..... Respondent.

Mr. S.V.Marwadi for the applicant.
Mr. H.R.Shetty for Respondent no.1.
Mr. A.S.Shitole APP for Respondentno.2..

CORAM; A.P. DESHPANDE, J.
DATED; 13TH DECEMBER, 2007

P.C.;

1. Criminal Application no. 385/07 is for condonation of delay in filing an application for restoration. The delay is of 467 days. For reasons set out in the application and having regard to the order that I propose to pass in the writ petition, on concession of the learned advocates, delay is condoned. Application acdordingly disposed of.

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CORAM; A.P. DESHPANDE, J.
DATED; 13TH DECEMBER, 2007

P.C.;

1. Criminal application no. 384/07 is for restoration of writ petition, which came to be dismissed for want of prosecution on account of absence of counsel. For the reasons set out in the application and in view of the order that I propose to pass in the writ petition, the application is allowed and writ petition is restored to file. Aapplication is accordingly disposed of.

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P.C.;

1. Leave to correct the address of the petitioner is granted. Amendment to be carried out forthwith.

2. The learned counsel for the petiitoner only pressed in service a limited prayer and the same is, granting stay to the non-bailable warrant issued by the trial court for a period of three weeks, during which period the petitioner undertakes to appear before the trial court and make appropriate application. The petitioner does not press any other relief in this petition and has shown his willingness to participate in the proceeding before the trial

court. In this view of the matter, I grant stay to the execution of the non-bailable warrant for a period of three weeks, during which period, the petitioner shall appear before the trial court. Other reliefs prayed in the writ petition stands rejected as not pressed. The writ petition is disposed of.

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